

## REMARKS

### **Request for Reconsideration, Claims Pending**

The non-final Office action mailed on 15 December 2006 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Claims 1-2, 4-5, 7-11 and 13-17 are pending.

### **Allowability of Claims Over Metz, Yong & Levitan**

#### Rejection Summary

Claim 7 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 65,978,855 (Metz) in view of U.S. Patent No. 5,541,919 (Yong) and U.S. Patent No. 6,965,913 (Levitan).

The Examiner concedes that the combination of Metz and Yong fail to disclose "... dynamically adjust [sic] the plurality of different common software content in proportion to a changing number of the plurality of terminals receiving the plurality of different common software content."

#### Discussion of Claim 1

Claim 1 was amended to include limitations of dependent Claims 6 and 7. The prior art fails to fails to disclose or suggest a

... radio communication network software downloading method, comprising:

communicating terminal unique information for downloading common software content from the network to a plurality of terminals in the network on corresponding dedicated communication channels for each terminal;

sending a message to the plurality of terminals on corresponding dedicated communication channels to receive the common software content on a shared channel;

transmitting the common software content from the network to the plurality of terminals on the shared communication channel after sending the message;

multiplexing a plurality of different common software content on the shared communication channel, dynamically adjusting the plurality of different common software content multiplexed on the shared communication channel in proportion to a changing number of the plurality of terminals receiving the plurality of different common software content.

The Examiner's reliance on Levitan to meet the admitted deficiencies of Metz and Yong is misplaced. At co.1 7, lines 8-28, Levitan discusses continuing the transmission of an unscheduled files for a number of day on the number of users requesting the file. Thus Levitan adjusts a duration of transmission of a file based on the number of users requesting the file. Levitan does not disclose multiplexing by dynamically adjusting the common software content multiplexed on the shared communication channel in proportion to a changing number of the plurality of terminals receiving the plurality of different common software content. Amended Claim 1 is thus patentably

## **Allowability of Claims Over Tanaka, Yong & Hayato**

### **Rejection Summary**

Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,671,509 (Tanaka) in view of U.S. Patent No. 5,541,919 (Yong) and U.S. Patent No. 6,061,692 (Hayato). The Examiner relies upon Hayato for adjusting the number of times a signal is transmitted to improve reception reliability.

### **Discussion of Claim 9**

Claim 9 has been amended to indicate that multiplexing includes "... adjusting a number of times each of the plurality of software files is transmitted." Support for this limitation may be found on page 8, lines 12-14. Tanaka and Yong fail to disclose or suggest a

... radio communication network software downloading method, comprising:  
transmitting software content from a radio communication network to a plurality of terminals in the network by multiplexing the software content on a shared communication channel received by the plurality of terminals,  
the software content comprises a plurality of software files;  
dynamically adjusting the software content multiplexed on the shared communication channel by adjusting a number of times each of the plurality of software files is transmitted.

Yong teaches buffering data from different sources and multiplexing the data for transmission over a communication link. In Yong, at col. 3, lines 30-33, the multiplexing order is based on a predetermined queuing

discipline with higher priority given to delay-sensitive sources. At col. 5, lines 7-32, Yong discusses serving buffers with equal priority for a predetermined partition time  $T_i$ , wherein the partition time may be shortened if the buffer has no more bits to send or a higher priority buffer is ready to send. Yong also discloses extending the partition time if the buffer has additional bits to send, provided that equal priority buffers have no bits to send. In Yong, only the partition time of the different buffers accommodating different data streams is adjusted. There is no indication that Yong contemplates multiplexing by "... adjusting a number of times each of the plurality of software files is transmitted."

Hayato is concerned with paging a wireless communication terminal, not with downloading software. In Hayato, at col. 6, lines 4-6, referenced by the Examiner, Hayato discusses changing the frequency at which a paging signal is sent to a terminal and the duration of the paging signal to increase the probability that the paging signal will be received. Contrary to the Examiner's suggestion, there is no suggestion in Hayato to dynamically adjust the content multiplexed on a shared communication channel by adjusting the number of times each of a plurality of files is transmitted. Amended Claim 9 is thus patentably distinguished over the art.

### **Prayer For Relief**

In view of the amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

RIORDAN ET AL.  
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in radio Communication Networks"  
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Respectfully submitted,

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